

ON SEPTEMBER 23, 2015 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.

Members Present: Bob Petersen, John Johnson, Ralph Ballard, Branden Anderson, Yovonda Hall, Ryan Cashin, Bill Wilkey, and Paul Farthing

Staff Present: Planning Director Toni Foran and Planning Assistant Cindy Beteag

The meeting was called to order by Chairman Cashin at 6:00 p.m. The Pledge of Allegiance was led by John Johnson and Bob Petersen offered the prayer. Roll call was taken.

Approval of agenda: Ralph Ballard motioned to approve the September 23, 2015 agenda as posted. Bob Petersen seconded. Motion carried with all Commissioners voting aye.

1. Work meeting to discuss vacation rentals and all types of short term rentals. No public comment will be taken during this meeting.

Toni Foran stated at the last meeting she was directed to rewrite the Bed and Breakfast ordinance to accommodate Air BNB. She stated Kevan Adams suggested using the term “residential hosting” for these types of rentals and she felt it was fitting. She handed out a copy of the changes. Commissioners discussed the definitions of Bed and Breakfast Home, Bed and Breakfast Inn, and Residential Hosting. Ralph Ballard asked why a Bed and Breakfast Home only allowed a maximum of four sleeping rooms but a Bed and Breakfast Inn had to have five or more sleeping rooms. Toni explained under the fire code if there are more than ten transients in a residential structure they would have to follow a different code but she is unsure why the Inn says five or more. Toni stated she added residential hosting to everywhere it says home bed and breakfast. Yovonda Hall asked what the difference is between bed and breakfast home and residential hosting. Toni stated they are almost identical, the only difference is if a meal is provided. Commissioners discussed only using one of the terms. It was decided leaving it as separate terms to allow people that want the traditional bed and breakfast the option to be licensed as such. Ryan Cashin mentioned Ash Creek Sewer District might have impact fees for these type of businesses. Toni stated they are doing an impact fee study and they may possibly be changing how they bill. Toni stated she removed “that a conditional use permit was required” because it can be approved through staff if they meet the requirements. Yovonda asked if neighbors can give input on a conditional use permit application. Toni stated no but the Commissioners do have the option to listen to the neighbors’ concerns. It was decided to leave out the conditional use requirement. Branden asked how the negative impacts would be assessed if they didn’t require a conditional use permit.

Toni stated under G it states it shall be located on a public street that meets fire code requirements and is not a dirt or gravel road. Ralph asked if it should read *meets the Public Safety requirements instead of not a dirt or gravel road*. Commissioners discussed why a dirt road shouldn’t be allowed including dust and the nature of commercial traffic. Toni read A under Development Standards. She explained they must be located in an existing residential structure. This helps limit people from building just for a bed and breakfast which would need to meet commercial regulations. Toni read B; *Guestrooms: rentable guestrooms shall be limited to not more than four rooms for each home bed and breakfast or residential hosting facility. Total number of guests at one time shall be no more than eight*. She stated the Fire Chief has pointed out the fire code states no more than ten but she put no more than eight because

that is two per room. Ralph asked if an exit map should be required in every room since it is required in hotels. Paul stated people get in late and don't know the way around so it would be a simple solution. It was decided to add exit maps on Development Standard C. Commissioners decided to change total number of guest to no more than ten and occupancy of each room posted. Yovonda commented an Inn would be required to sprinkle the building.

Toni stated the ordinance currently reads other activities could be included in the permit but she eliminated them in this section. She explained if someone wanted to do a reception center or something similar then a separate license would be required. Toni stated the section regarding landscaping stated *provided as needed* but she changed it to read *Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on-site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.*

Toni stated Development Standard F regarding off street parking previously required *two spaces for owner/operator*. However, if it is required to be an owner occupied home then they would be the operator so she changed it to read *two spaces for owner*. Parking spaces were discussed. Ralph suggested using resident owner instead of owner/operator to ensure the owner was present in the home. Bob stated the definition states it must be an owner occupied home so it isn't necessary. Ralph stated it makes it clearer and reinforces the owner must be present. Yovonda stated she thought it was more clear without resident just owner. Commissioners decided owner is best. Bill stated the parking only covers the minimum but a lot of people have toys that need to be parked. He doesn't want to create problems for emergency vehicles by having the toys parked on the road. He stated parking should be available for toys off the street. Toni stated one of the complaints that has been heard regarding vacation rentals is people parking toys on street. Ralph asked how parking spaces would be regulated. Toni stated a parking space is required for each guest room and would have to be verified when they apply for a license. Ryan stated he thinks larger toys would be an interference for neighborhoods. Toni stated she has seen Air BNBs in Toquerville and she has never seen toys parked at them. She stated she thinks it is something seen more in whole house vacation rentals not Air BNBs. It was decided the ordinance already reads nonfrontage, off street parking so it was unnecessary to add more parking for toys. Commissioners discussed how to enforce off street parking. They decided that was something Fay needed to help with. It was stated a lot of parking on the streets would create a disturbance in the neighborhood.

Toni read the first G in the Development Standards. She stated she added monument to define what type of sign could be used. She explained monument signs seem to be less obtrusive. She asked if the Commissioners wanted to allow signs at all. Monument was defined. Ryan asked if a sign would be required. Toni stated no, this just gives them the option to have a sign. Ralph asked if a plaque could be put on the house. Toni stated not if they put monument in the requirement. It was decided to take monument out and take out what materials can be used. Commissioners discussed changing the size limit so it would be a minimal distraction in neighborhoods. Branden asked if the current ordinance allows nine square feet. Toni stated yes and it has never been an issue. Toni read sign ordinance and suggested keeping the sign the same size as the home based business. Commissioners decided to keep it the same as a home based business, 12"x24".

Toni stated on the second G there was an objection to not allow them on gravel roads. Ryan stated gravel and dirt roads won't support emergency vehicles. He stated the biggest concern is accessibility,

runoff, and flooding. Yovonda stated dirt roads make things tight and creates problems. Toni stated there aren't many in town but most of them are very narrow. A resident stated if they are talking about not allowing dirt or gravel roads for safety reasons then the standard should be applied for residents as well. He stated if it is safe for residents then it should be safe for everyone. Yovonda stated it is a development standard not a safety requirement. Yovonda stated she thinks it is a good requirement because this is a resident that is also hosting. An owner can choose to live on a dirt road but they shouldn't be allowed to extend that use. Ralph stated the guests can make up their minds if they want to go on a dirt road. He feels they would be regulating something that is already being regulated. Toni stated not necessarily; there are homes that have been built on nonpublic roads because they meet the minimum fire code standards but they are built as residence only. Toni stated it should be a public street. Yovonda stated this is very minimal and she thinks it should be left in the ordinance. A residence and residence wanting commercial activity are two different things.

Toni explained H wouldn't apply to the homes that have existing separate entrances but no new modifications can be made to create separate entrances. She explained she added height and bulk because it is a term used in planning a lot so someone can't add a giant eyesore to their property. She stated it is up to the Commissioners if they want it in or not. Branden asked if casitas would be allowed. Toni stated that is something that needs to be decided. Branden asked if they already had separate entrances before they apply for a license then it would be allowed. Toni stated yes. Yovonda stated with separate entrances it creates a duplex and changes the dynamic of the building. Commissioners discussed if people would make modifications before applying or not and if it was necessary to have it in the ordinance. Ryan stated it needs to be kept simple and people will do it before they apply so he thinks it should be taken out. Yovonda stated it needs to be in there otherwise the house is cut up into pieces with a lot of separate entrances. Ralph stated there is a height limit requirement and setbacks that have to be met. Toni stated they are calling it a limited commercial activity and asked if the Commissioners wanted to allow someone to build a second story in single story neighborhood solely for purpose of renting them. Ralph pointed out if they can build an addition legally for personal use then they should be allowed to do it for guests. Commissioners took a poll of who thought this section should be eliminated. Everyone thought it should be removed except Yovonda and Branden and Bill were undecided. Yovonda stated separate entrances create a commercial use and shouldn't be in residential. Ralph stated he thinks Yovonda is meaning that if the interior entrances are block off and only exterior entrances to each room then it is more of multifamily home. Toni suggested having it read *structural modifications may not isolate sleeping rooms from the rest of the house* to eliminate that concern. Commissioners agreed.

Toni read I; *Other Regulations: A home bed and breakfast or residential facility is subject to all other applicable sections of this code, including but not limited to building and fire codes, transient lodging facility regulations, and transient room tax requirements.* She explained this section is to cover smoke detectors, fire egress requirements, etc.

Toni stated she removed the section regarding Other Activities because it isn't a conditional use permit anymore and should be kept separate.

Toni stated the next development standards are for a Bed and Breakfast Inn. She read the purpose statement. She stated she removed the section regarding historic preservation commission review because it has never been done. Ralph stated some of the older homes that have these activities enhance the home not detract from it. Bill asked how many historic homes are in Hurricane. Toni stated

she doesn't know what qualifies as a historic home. If it means the home is on the National registry or just the year it was built. All agreed the historic preservation commission review should be removed. Toni stated the next question is where residential hosting and home bed and breakfast should be permitted. She asked if they should be in all zones if they can meet the requirements. She explained right now they are allowed in RA, R1-10 and R1-15 zones. Paul stated lot size needs to be addressed. Lot sizes for each zone was discussed. Ralph asked if an applicant can't meet the parking regulations then they wouldn't be able to do a residential hosting. Toni stated yes. Ralph stated that would eliminate a lot of homes on the smaller lots. Ryan questioned allowing it in multifamily zones. Paul stated there is no way to enforce the parking if it is allowed in multifamily. Yovonda stated it affects the density when these are allowed everywhere. Toni stated she hadn't considered it in multifamily. Ralph stated he hadn't either but if they can meet the development standards then they should be allowed. Toni stated there are a lot of the limited commercial activities that aren't allowed in the residential multifamily zones. She stated the Commissioners have set the standards but they need to decide where this use fits.

Bill stated transient tax should be collected but he asked if the owner is selling toiletries should that be regulated. It was decided that would not be regulated. He asked if a meal is provided and alcohol is provided, would that be allowed. Toni stated she is unsure and would have to check with the State. Yovonda stated most complaints from residents was they bought their house thinking this wasn't allowed and then the City changed it. She stated if it is allowed everywhere then they are changing the rules for people that aren't expecting it. Ralph stated if they change it anywhere then they are changing rules for people. Yovonda stated yes but it would be a lot more dramatic if it is allowed everywhere. Toni pointed out the Adams do live in MH/RV and that is where this idea for residential hosting came from. She stated she doesn't want to change the ordinance for one person but that is a concern. She thinks the City Council supports it everywhere however they didn't discuss multifamily. Toni stated she doesn't see it as a good use in multifamily zones because of the closeness and shared walls. Commissioners discussed requiring a certain frontage and not allowing the entire front yard as parking. Ralph stated if there are standards for a permitted use then it doesn't need to be a conditional use permit because they have to meet the standards. He stated they have to put factors in that eliminate the problems. Toni stated they would need to add to the parking section. Ryan stated if they are worried about multifamily and closeness then it could be limited by parking and setbacks. Toni stated in most multifamily the parking is common area so the owners couldn't provide the designated parking. Yovonda stated the closer the neighbors the more it increases the issues.

Toni asked if the Commissioners wanted to review whole house vacation rentals. She stated her opinion is if there is already zones that allow vacation rentals and Air BNB's are allowed then whole house rentals shouldn't be allowed everywhere.

Toni asked for clarification on if detached casita's should be allowed for residential hosting and bed and breakfast. Ryan stated he thinks it should be allowed anywhere a single family residence is allowed but make stronger standards. He stated the ordinance needs to be moved forward and he feels it should be allowed in all single family zones if they can meet the standards. Yovonda stated a lot of the complaints from previous meetings was regarding enforcement. She stated even if there are ordinances that regulate what can be done, the City doesn't have the staff to enforce it. Ralph asked Toni if it would be too hard to determine if an application meets the standards if it was allowed in all zones. Toni stated it would need to be more specific but it shouldn't be a problem. She mentioned she likes the language

that says if someone is advertising and they are not licensed then they are in violation. She would like it to be included in this section. She stated that makes enforcement a lot easier.

Toni stated existing whole house vacation rental licenses will be grandfathered in if the ordinance changed but they are not transferable. Ralph asked who could enforce the rules. Toni stated that is a Fay question but he had to reschedule their appointment so she hasn't been able to discuss it with him. Toni stated normally zoning violations are handled through the Planning Department. Ryan stated there is talk about a Code Enforcer being proposed to be in place by the beginning of the year. Ryan asked for a vote on if everyone is in favor of allowing residential hosting in all single family zones with stronger regulations. He stated he felt it was a good place to start and if changes need to be made then they can be done down the road. Yovonda stated she thinks it is better to do a tighter ordinance to begin with because if it is faulty then everyone that is approved during the faulty period is grandfathered in.

Report on Conference:

Ralph stated at Utah League they talked about a debriefing after applications have come through. He stated they should take time to evaluate what applications work and what applications didn't to learn for future applications. Yovonda commented she liked the talk on debriefing because if there is a motion that includes multiple items and you don't agree with one of the items you have to vote nay. If they discussed it later they could tell them to break up the items. Ralph asked if there were any zoning law changes. Bob stated there weren't. Toni stated Clark said there was a presentation on a land use website that would be launching the first of the year. Yovonda stated she asked the Ombudsman about Brian Hinton's request. He told her there was only a vested interest if a trailer had been on each pad for the last 16 years otherwise no. The sewer pipes give him no vested interest. Bill stated he went to a Google seminar and found out Google Earth Pro is now free. He stated Utah is paying as a state for upgrades that aren't normal. He explained they do updates every three months and merge information with the county. He gave the Commissioners a quick demonstration.

Planning Commission concerns

Yovonda suggested proposing to the City Council to add Air BNB rentals but get rid of whole house rentals. Branden stated when he came in to Planning Commission vacation rentals was just starting and everyone was in favor of them but now there have been complaints everyone wants to get rid of it. Branden stated it has all changed in the last six months and questioned if it was mistake or just needed to be worked through. Bob stated it seemed like there was demand at the time and there wasn't any opposition. Branden stated there is still a demand for them. Yovonda stated they tried to keep it too simple and not regulate it too much but it needs more regulation. She stated they need to find a balance. Bill stated in his mind there is a need for this use and the City needs to grow. He feels this is a great opportunity to do so. He stated he didn't foresee that by allowing them it would hurt hotels and other commercial locations. Ralph stated Bill manages rentals all the time at his work. He asked him what the City could do with the ordinance to make it work. Bill stated he would have to think on it. He liked Toni's suggestion on starting small and moving forward. Ryan stated there is a false inflation value for people that think they can make more on vacation rentals than long term rentals making it so people can't afford the homes or the rentals. Ralph and Bill agreed this needs to be thought out carefully and not thrown out yet. Bill stated Hurricane is missing out on keeping people here during events. They are spending money in other cities. Paul stated there is a need but he thinks it would be

best to put them all in one zone and not allow them everywhere. Bob stated there is a need for them but the regulations just need to be tightened. Ryan suggested putting a limitation on how many are allowed in certain areas. Branden asked if the Council wanted to get rid of the whole house vacation rentals. Ryan stated no, they just wanted to review the regulations. He suggested putting a regulation in the ordinance that there must be so many feet in between vacation rentals. Yovonda stated when they are put everywhere throughout a neighborhood it changes the use and upsets neighbors. She stated Washington require 75% of neighbors to approve the rental but she doesn't know how that would be regulated. Commissioners decided to think on what zones Air BNB should be allowed and what should be done with the whole house rentals. Toni stated Fay needs to start with the enforcement section before that can be moved forward.

Meeting adjourned at 8:45